

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ARTHUR M. DANSBURY, et al.,</b>	:	
	:	
<b>Plaintiffs,</b>	:	
<b>v.</b>	:	<b>3:12-CV-00391</b>
	:	<b>(JUDGE MARIANI)</b>
<b>EOG RESOURCES, INC.,</b>	:	
	:	
<b>Defendant.</b>	:	

**ORDER**

**AND NOW, THIS 13TH DAY OF JUNE, 2014**, upon consideration of Defendant's Motion to Dismiss Plaintiffs' Second Amended Complaint (Doc. 40), and in accordance with the Court's accompanying Memorandum Opinion, **IT IS HEREBY ORDERED THAT:**

1. The Motion to Dismiss (Doc. 40) is **GRANTED IN PART AND DENIED IN PART**, as follows:

a. The Slander of Title claim (Count II) is:

- i. **DISMISSED WITH LEAVE TO AMEND** as it refers to the letter of June 21, 2011; and
- ii. **ALLOWED TO PROCEED** as it refers to Defendant's filing of the unit designations with the Recorder of Deeds.

b. The Breach of Contract claim (Count III) is:

- i. **DISMISSED WITHOUT LEAVE TO AMEND** as it refers to:
  - 1. Defendant's failure to make delay rental payments, and

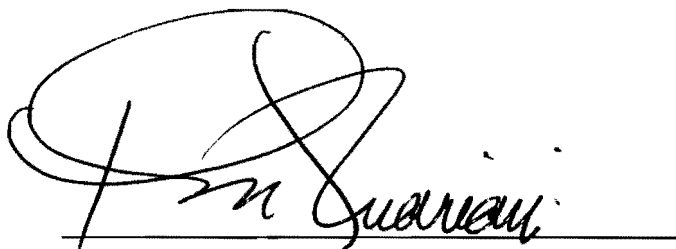
2. Defendant's failure to submit a proper notice of consolidation;  
and

ii. **ALLOWED TO PROCEED** as it refers to:

1. Defendant's failure to test Plaintiffs' water supply, and
  2. Defendant's breaches of the covenant of good faith and fair dealing and the doctrine of necessary implication.
- c. The Unjust Enrichment claim (Count V) is **ALLOWED TO PROCEED**.
  - d. Any other aspect of Plaintiffs' Second Amended Complaint not specifically enumerated in this Order is **ALLOWED TO PROCEED**.

2. Plaintiffs are **GRANTED ADDITIONAL LEAVE TO AMEND** to:

- a. Reallege the dismissed aspects of their Breach of Contract claim under a proper cause of action, and
  - b. Add any additional claims that the Court's Memorandum Opinion makes necessary.
3. Plaintiff shall have **FOURTEEN (14) DAYS** from the date of this Order to submit a Third Amended Complaint.



Robert D. Mariani  
United States District Judge